

IN THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) An all terrain vehicle having a frame and front wheels and rear wheels suspended from the frame, the vehicle comprising:
- a seat;
 - a fender structure attached to the frame and including a pair of rear fenders attached to the frame, with each fender positioned on a side of the seat, the rear fenders having at least one ventilation opening;
 - an engine mounted on the frame and between the rear fenders, the engine providing motive power to at least one of the front wheels and rear wheels; and
 - an air intake box connected to the frame and supplying intake air to the engine, the air intake box including an intake pipe connected to and receiving intake air from the at least one ventilation opening.
2. (Original) The all terrain vehicle according to claim 1, further comprising a radiator connected to the frame, the radiator drawing intake air from the at least one ventilation opening.
3. (Currently Amended) The all terrain vehicle according to claim 1, ~~further comprising a seat located between the rear fenders~~, wherein the intake pipe ~~including~~ includes an inlet end positioned adjacent a rear lateral portion of the seat.
4. (Previously Presented) The all terrain vehicle according to claim 3, wherein the inlet end of the intake pipe is positioned above the rear wheels so as to avoid interaction with a water wave created in a front portion of the vehicle when the vehicle travels through water.
5. (Previously Presented) The all terrain vehicle according to claim 1, wherein the intake pipe includes an inlet end and a fastener that connects to a connecting wall between the rear fenders.

6. (Original) The all terrain vehicle according to claim 5, wherein the connecting wall includes an aperture and the fastener comprises a clip that mates with the aperture.

7. (Currently Amended) A straddle-type vehicle comprising;
an engine;
a seat having a front portion positioned generally above the engine;
an air intake system operatively connected to the engine;
at least one opening adjacent a rear portion of the seat and supplying intake air to the air intake system; and
a pair of rear fenders provided adjacent the rear portion of the seat, each rear fender having a front portion, the at least one opening being located on the front portion of at least one of the rear fenders.

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8. (Canceled).

9. (Previously Presented) The straddle-type vehicle according to claim 7, wherein the at least one opening is a ventilation opening supplying air to both the air intake system and a radiator of the vehicle.

10. (Previously Presented) The straddle-type vehicle according to claim 7, wherein the seat is located between the rear fenders, the air intake system including an intake pipe having an inlet end positioned adjacent a rear lateral portion of the seat.

11. (Previously Presented) The straddle-type vehicle according to claim 7, wherein the at least one opening includes a pair of openings, the pair of openings being located on respective rear fenders, such that the rear portion of the seat is disposed between the pair of openings.

12. (Previously Presented) The straddle-type vehicle according to claim 7, wherein the at least one opening is located on a respective rear fender generally rearward of the rearward portion of the seat.

13. (Previously Presented) The straddle-type vehicle according to claim 7, wherein the at least one opening is not located directly vertically of the engine.

14. (Previously Presented) The straddle-type vehicle according to claim 7, wherein the air intake system includes an intake pipe positioned so as to avoid interaction with a water wave created in a front portion of the vehicle when the vehicle travels through water.

15. (Canceled).

B2
16. (Currently Amended) The straddle-type vehicle according to claim 7, wherein the air intake system includes an air intake pipe, wherein an end of the air intake pipe ~~extends~~ is located within the seat.

17. (Previously Presented) The straddle-type vehicle according to claim 16, wherein the rear portion of the seat forms a hollow enclosure, an interior of the hollow enclosure being communicated with an end of the air intake pipe and the opening.

18. (Currently Amended) A straddle-type motor vehicle having front and rear wheels and being capable of traversing water having a predetermined depth, the vehicle comprising:

- an engine;
- a frame that mounts the engine;
- an air intake box positioned adjacent the engine;
- at least one opening in communication with the air intake box; and
- rear fenders attached to the frame, the at least one opening being provided on at least one of the rear fenders,

the at least one opening being positioned on the vehicle rearward of and above the front wheels and so that a height of the opening is greater than the predetermined depth of the water, the at least one opening being positioned on the vehicle so as to avoid water entering the at least one opening due to encountering a water wave created in front of the vehicle that has a wave depth greater than the predetermined depth of the water.

19. (Canceled).

20. (Previously Presented) The straddle-type vehicle according to claim 18 wherein the at least one opening comprises at least one opening provided on each of the rear fenders.

21. (Previously Presented) The straddle-type vehicle according to claim 20, wherein the at least one opening is a pair of ventilation openings located on respective rear fenders, the ventilation openings being in communication with both the air intake box and a radiator of the vehicle.

b2
22. (Previously Presented) The straddle-type vehicle according to claim 18, wherein the air intake box includes an intake pipe having an inlet end adjacent to only one of the rear fenders.

23. (Previously Presented) The straddle-type vehicle according to claim 18, further comprising a seat provided between the rear fenders, the air intake box including an intake pipe having an inlet end positioned adjacent a rear lateral portion of the seat.

24. (Previously Presented) The straddle-type vehicle according to claim 18, wherein the at least one opening is positioned above one of the rear wheels.

25. (Currently Amended) An all terrain vehicle having front and rear wheels comprising:

a frame from which the front and rear wheels are suspended;

an engine mounted on the frame;

a fender structure overlying at least the rear wheels, the fender structure including at least one aperture overlying and higher than the rear wheels; and

an air intake system in communication with the engine, the air intake system including an air box mounted on the frame, the air intake box having an intake pipe having an inlet end, the intake pipe being fastened with respect to the fender structure such that the inlet end is in communication with the aperture in the fender structure and is positioned rearward of the front wheels ~~and higher than the rear wheels~~.

26. (Original) The all terrain vehicle according to claim 25, wherein the aperture in the fender structure is a ventilation opening that supplies intake air to a radiator positioned adjacent the engine.

27. (Original) The all terrain vehicle according to claim 25, wherein the intake pipe includes a clip that attaches to the fender structure.

28. (Original) The all terrain vehicle according to claim 25, wherein the air box includes a main body, the main body having a port through which air is supplied to the engine, the intake pipe and the port being connected on opposite sides of the main body.

b2
29. (Original) The all terrain vehicle according to claim 25, wherein the intake pipe extends away from the engine towards the rear of the vehicle and includes a bent portion such that the inlet end faces a front of the vehicle.

30. (Original) The all terrain vehicle according to claim 25, wherein the inlet end of the intake pipe is positioned just above one of the rear wheels.

31. (Original) The all terrain vehicle according to claim 25, wherein the aperture of the fender structure is positioned adjacent one of the rear wheels.

32. (New) A straddle-type vehicle comprising;
an engine;
a seat having a front portion positioned generally above the engine;
an air intake system operatively connected to the engine; and
at least one opening adjacent a rear portion of the seat and supplying intake air to the air intake system, the at least one opening being at least partially formed by the rear portion of the seat.

33. (New) The straddle-type vehicle according to claim 32, wherein the air intake system includes an air intake pipe, wherein an end of the air intake pipe is located within the seat.

34. (New) The straddle-type vehicle according to claim 33, wherein the rear portion of the seat forms a hollow enclosure, an interior of the hollow enclosure being communicated with an end of the air intake pipe and the opening.
